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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,282	01/29/2001	Peter J. Allen	KCX-290 (15083)	9284

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EXAMINER

ALVO, MARC S

ART UNIT PAPER NUMBER

1731

DATE MAILED: 03/10/2003

/ /

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,282

Applicant(s)

ALLEN ET AL.

Examiner

Steve Alvo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7-9 are rejected under 35 U.S.C. 103(a) as obvious over PARKER with or without HOUSTON et al or RULE, JR. or BIALKOWSKI.

PARKER teaches measuring paper formation, e.g. flocculation, macro forming units or unstable streaks, and teaches using multiplier detectors, column 4, lines 60-64, and multiple light sources, column 7, lines 3-6, of a paper slurry on the paper machine wherein the light is reflected from the moving paper web (column 6, lines 40-44) and converted to an image by photo detectors (column 8, lines 7-8). It would have been especially obvious to use reflected light to measure paper formation as such is taught by HOUSTON et al or RULE, JR. (column 3, line 47) or BIALKOWSKI. See HOUSTON et al (Fig. 7, (200) and (100)) or RULE, JR. (Column 2, line, 66) for plural light sources. It would have been obvious to use a line scan camera as the photo detector of PARKER as such is taught by RULE, Jr., column 3, line 7) or BIALKOWSKI.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over PARKER as applied to claim 1 above, and further in view of RULE, Jr.

It would have been obvious to use a line scan camera as the camera of PARKER as such is taught by RULE, Jr., column 3, line 7).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over PARKER with or without HOUSTON et al or BIALKOWSKI as applied to claim 1 above, and further in view of RULE, Jr..

It would have been obvious to use a line scan camera as the camera of PARKER as such is taught by RULE, Jr., column 3, line 7).

Claims 6 and 10-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over PARKER with or without HOUSTON et al or RULE, Jr. or BIALKOWSKI as applied to claim 1 above, and further in view of ADMITTED PRIOR ART (specification, page 14, lines 8-13, page 11, lines 4-6, paragraph bridging pages 9 and 10, page 10, lines 9-21 and Request For Reconsideration, filed December 18, 2002, pages 1 and 2).

The use of a line scan camera would have been obvious as such is conventional in the art as evidenced by the ADMITTED PRIOR ART (specification, page 14, lines 8-13). The use of a line scan camera would have been obvious as such is conventional in the art as evidenced by the ADMITTED PRIOR ART (specification, page 14, lines 8-13). It would have been obvious to run the paper web of PARKER at 4000 feet/min. as such is conventional in the ADMITTED PRIOR ART (specification, page 11, lines 4-6). It would have been obvious to use any convention formation fabric; as such a formation fabric is conventional in the art as evidenced by the ADMITTED PRIOR ART (paragraph bridging pages 9 and 10). The color would have been an obvious matter of choice. Obviously darker colors would provide not interfere with the reflection of light from the web. It would have been obvious to form a paper web having a weight of less than about 16 lbs/2880 ft² as such is conventional in the tissue art, see specification, page 10, lines 9-21. Claim 23 see, PARKER, Figure 5.

Claim 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over PARKER as applied to claim 1 above, and further in view of BIALKOWSKI.

It would have been obvious to adjust the web parameters based on the measurements of PARKER as such web adjustment is taught by BIALKOWSKI.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over PARKER and HOUSTON et al or RULE, JR. as applied to claim 1 above, and further in view of BIALKOWSKI.

It would have been obvious to adjust the web parameters based on the measurements of PARKER as such web adjustment is taught by BIALKOWSKI.

The argument that PARKER fails to form an image from reflected light is not convincing as such is taught by PARKER in column 6, lines 40-44. The argument that the reflected light of PARKER can not be examined by an operator is not convincing as reflected light is capable of being observed by an operator or a camera. The photo detectors of PARKER do not substantially differ from the claimed digital camera, which would contain the same or similar photodiodes. Besides, the use of a camera as a light detector is well known in the art as evidenced by RULE, Jr. and BIALKOWSKI.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Non-Final Fax: (703) 872-9310 After-Final FAX: (703) 872-9311.

When filing an **"Unofficial"** FAX in Group 1730, please indicate in the Header (upper right) **"Unofficial"** for Draft Documents and other Communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers. The **"Unofficial"** FAX phone number for this Art Unit (1731) is **(703) 305-7115**.

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on 703-308-1164.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **703-308-0661**.

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MSA
3/6/03



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731